

The former head of the CIA maintains that the verification process involves politics and the public as much as it does the intelligence services

Verifying SALT

William E. Colby

SALT II looms as the subject of our next great national debate. The SALT sellers and the SALT shakers have already outlined their campaign plans. And it is plain even now that a major element of the debate will be the verification process. As the intensity of the debate grows, so too does the likelihood of confusion for a public assailed by cries of alarm on one side and smooth assurances on the other, both proffering platoons of experts, dazzling data, and prognostications of doom if their views are not accepted.

Before dashing headlong into the data about strategic systems, however, one must understand the broad principles of verification and the procedures to achieve it. Without such a basis, the debate turns on bewildering detail, out of which, in desperation, a few examples are taken as archetypes—and broad decisions are then taken upon their fortuitous selection. When fundamentals are generally accepted, however, debate over their application can become rational and balanced.

The first and most obvious fundamental is, of course, that we should not "trust" the Russians. This is even enshrined in law in the amendment to the Arms Control and Disarmament Act of 1977, requiring that "adequate verification" accompany any arms control agreements. (The House initially went further, demanding "effective" verification, but the Senate changed this to the less ambiguous word "adequate.") This resolve not to "trust" eliminates a whole rather fruitless area of argument about whether we should accept risks in a SALT agreement in order to advance the process of "détente"—whatever that means to a speaker. The good feeling expressed in toasts about détente is simply irrelevant to the standard of "adequate verification."

But what does the word "adequate" require to satisfy the 1977 amendment and to enable us to conclude a responsible SALT agreement? The SALT negotiating process, of course, involves three phases. The first is the negotiation within the U.S. Government to find a posi-

tion sufficiently satisfying to all the disparate bureaucratic and political factions that it will not be sabotaged before it is even presented, through footdragging, through leaks, or even through insubordination. The second phase involves negotiation with the Russians themselves, which requires our negotiators to state clearly what obligations have been assumed. We have had too many "verifications" of alleged violations of provisions the Soviets never accepted, whatever our "unilateral understanding" may have been about them. The third phase involves negotiation by the administration with that separate sovereignty, the United States Senate, for ratification. (This is probably the most important—and possibly the most difficult—phase, for the reservations expressed to the agreement could give a false sense of security or lead to rejection by the Soviet Government.)

In a city so full of lawyers, questions in Washington frequently become legal ones, and the question of adequacy can easily be translated into whether any violation of the agreement—however minute—can be identified. But we must remember that we are dealing with a political document, an agreement between sovereigns, and that there is no impartial judge with jurisdiction over both parties.

In this situation the second fundamental of the verification process arises: Its purpose is to protect us, not to win legal points. The true standard, then, is whether we can verify the agreement adequately to protect ourselves, a different question from whether we can detect every single action by the other side that might constitute less than the most precise compliance with the terms of an agreement. Of course it involves the question of whether the Soviets could, through wily deception or careful concealment, secretly develop and deploy a weapons system they could unveil in such a stunning action—or even a stunning gesture—that we and our allies would be shocked into the realization that we were helpless before them. But short of such feats there are lesser steps the USSR could take to reveal an equally

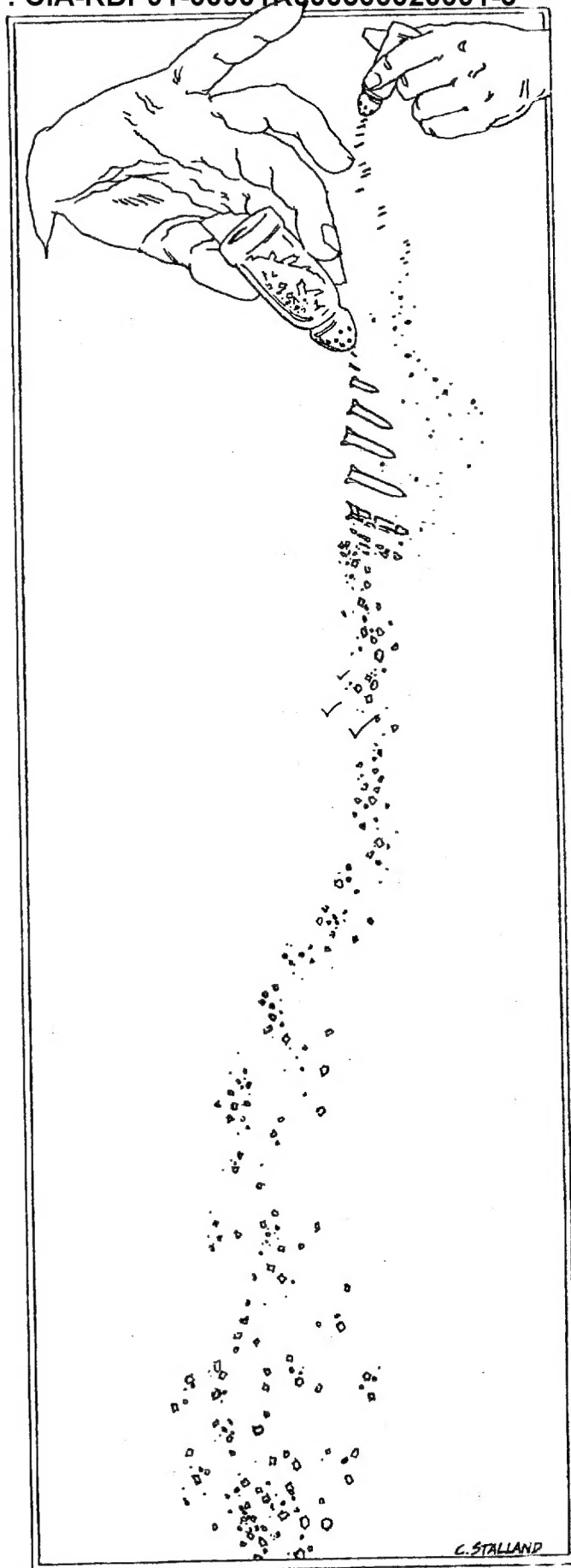
WILLIAM E. COLBY, a Washington attorney with the firm of Colby, Miller & Hanes, is former director of the Central Intelligence Agency.

dangerous political will or a trend toward repudiation of the agreement and abandonment of its restraints, and do this without alerting the sleeping hare until the tortoise is well over the finish line of effective superiority. And with the long lead times involved in developing and deploying strategic weaponry today, the United States can no longer count on its ocean barriers or its allies to bear the brunt of an assault until our power can be mobilized and brought to bear. This second fundamental, then, insists that "adequate" verification provide sufficient warning that we can see trends and indications of violation sufficiently far in advance that we can react to protect ourselves.

But here the *third* fundamental of "adequate verification" arises, and here again we must take care to avoid legal pettifoggery, demanding evidence beyond a reasonable doubt to support a conviction for violation of the agreements. No disinterested judge is going to free our side from continued compliance with the treaty only because he is convinced by our evidence of breach by the other side. Our evidence can be of a more worldly character, sufficient to alert us adequately to cause us to act to protect ourselves. We can act on well-founded suspicion, on ambiguous behavior, or on developments in related fields that so change the atmosphere that restraint seems unlikely. We can, as we have done, insist on certain rules of interpretation, such as the once-tested always-counted resolution of whether or not weapons contain MIRVs. Our evidence need not be limited to what will support a formal complaint before the World Court, but need only be sufficient to stimulate us to seek reassurance or rally our people to react.

(A corollary and equally fundamental element of the verification process—the *fourth*—is our reaction to an observed or suspected violation. Again, we need not deal only in the extremes of repudiation of the agreement, preparation for battle, or legalistic claims for damages. We are considering here a political rather than a legal document, and reaction to a suspicion or a conclusion that violation has occurred can range from repudiation down through a series of lesser options. These can include (a) advising that we will reciprocate by releasing our restraints in a limited sector chosen to correspond to an observed violation on the other side, (b) a demand for rectification, (c) an insistence upon a positive showing that our suspicion is in error, (d) a negotiation to clarify ambiguities, or (e) a warning that our suspicions are aroused and that we will be sharply attentive to any further indications of violation or compliance. Not all of these reactions need be righteous public denunciations of perfidy; they can instead be quiet diplomatic exchanges that initially express confidence that a good-faith resolution of an ambiguity can be attained.)

But these four fundamentals must rest upon a practical base, which is our capability of knowing what is transpiring on the other side of a curtain of iron weaponry, authoritarian discipline, and paranoid secrecy. The Soviet moves to accept a franker discussion of their military affairs—and even to abandon their former insistence that our laboriously assembled



data base on their weaponry be used without data contributed from their side—does not mean that what they proffer will be reliable or even accurate from our viewpoint.)

Our public has become aware of the revolution in our intelligence capabilities these past few years. The scope of our knowledge and its precision are light years ahead of what they were only ten to fifteen years ago. Photography, electronics, and computers now enable us, not only to acquire information in ways undreamed of then, but to manage and retrieve it effectively. And the technology of this apparatus is supplemented by another quantum improvement—that of the professional expertise of its officers and the central role of scholarship. Our ability to winnow through Soviet technical journals, economic reporting, innocent exchanges, and intercept-materials supplements our collection devices and gives us uncountably more pieces with which to assemble the jigsaw puzzle, to focus our search on critical gaps, and to relate components to produce the whole of a design. To this capability must be added the potential contributions of defectors or active agents developed within Soviet society.

That all of this is not infallible is well accepted, even though its qualitative improvement over the past, and its certain further progress in the future, is unquestionably significant to our problem of verification. Intelligence has been faulty in some situations, although more in its estimates of future developments than of present facts. There is little question that deception programs have been used effectively against us, such as the Egyptian Suez maneuvers prior to October 6, 1973. Intelligence has also missed developments, despite a conviction that they were probable, as in the Indian nuclear explosion. Its projections have been just plain mistaken, as in its *underestimates* of Soviet strategic force developments during the 1960's after the previous false alarm about a missile gap.

These examples are cited to show due humility about the imperfection of intelligence. But those who have shared the end products of the intelligence community realize that its performance rates very well if viewed against fielding averages—and far above those of batting averages. And this kind of average needs to be measured against some of the fundamentals above, because they are interrelated. Thus, our error factor admittedly could allow a single, legalistic violation of an agreement to escape through its net, but the chance of a violation that would give strategic advantage in the near term would be far less likely. Similarly, our intelligence might indeed face difficulties in providing evidence beyond a reasonable doubt sufficient to convict. But its effectiveness would be far greater against a more realistic scale of evidence sufficient to alert and to begin a process of negotiation about our concern.

The deterrent effect of our intelligence system upon our adversary cannot be minimized, both what he has identified as national technical means and our clandestine activities, about which he is still concerned. This deterrent effect could be minimal against an accidental or insubordinate violation of some term of the agreement, but its impact cannot be dismissed against any

deliberate larger plan to undertake deception or secret violation on a scale of military or political significance. This does not mean that we can rely totally on this clandestine potential to protect against deception or to deter it, but it certainly raises the threshold against hostile success even higher.

As we face SALT II, then, it is important to define and debate the verification process so as to bring into some precision our judgments as to its adequacy for our security. We must go beyond a mechanistic discussion of whether a particular photograph will demonstrate the number of warheads in a MIRV or the range of a cruise missile. We must take a larger approach, involving the use of our intelligence in both senses of the word—the products of our intelligence community and also the wisdom of the larger political community that participates in our foreign policy and national defense decisionmaking. When we judge the adequacy of verification, we must insist that the process being judged include all of its elements, and not focus myopically on only one or two.

The *first* step of the process is to examine the whole picture from which a judgment of compliance or violation can be gained. This includes the international political background, the other indications of Soviet foreign policy and defense decisionmaking, the growth and the problems of the Soviet economy, and its psychological mobilization. We must not rest on Soviet protestations of good faith but on our assessment of the political, bureaucratic, economic, and social forces at work, and the degree to which they are likely to produce continued compliance or secret treachery. Only within this kind of framework can responsible assessments be made about suspected or indicated violations, whether they are apt to be parts of a conscious policy or aberrations as much a surprise to the Soviet hierarchy as they are a concern to ourselves.

The *second* element of an "adequate" verification process must include maximum possible consultation with Americans—and even with allied foreigners—(concerned about this subject.) It is essential that our assessment be reviewed not only by a Team B, but by a Team C and a Team D, ad infinitum. Most (although not all) of our reconnaissance photographs should be made public, and the substance of most (although not all) of the other information causing concern should be released, after sterilization of such sources as may be vulnerable. (In situations in which official release by the U.S. Government of critical information could be diplomatically troublesome, the information could be released to intermediaries in the Congress, our media, and our academic circles, so as to avoid raising a direct government-to-government problem.)

Commitment to a verification process as broad as this, in which the final assessments could reflect the independent analyses of a number of interested students and critics, could render unnecessary the plea that we blindly "trust" our intelligence community and our National Security Council any more than we "trust" the Russians. In fact, circulating this kind of information and

"It is essential that our assessment be reviewed not only by a Team B, but by a Team C and a Team D, ad infinitum."

subjecting the final assessments to outside criticism (and occasional correction) could do more to develop long-term public confidence in the SALT, disarmament, and verification processes than any number of pious declarations that we will insist upon full compliance and have the means to do so.

Our Soviet partners in negotiation must accept that we can indeed conduct diplomatic negotiations on a reasonably quiet basis leading up to agreement, but that continued American confidence and compliance with the agreement must depend upon continued public demonstration that it is indeed being adhered to. While there is no impartial judicial authority to decree whether there is compliance in fact, there is a very powerful authority in American public opinion to satisfy for mutual execution of the agreement to continue.)

Third, we must make it clear that inherent in the verification process is a series of negotiations and discussions with our Soviet adversary to clarify ambiguities, to correct accidental violations, and to provide reassurance that suspicions are unfounded. The process does not stop with intelligence alone, but includes the follow-up negotiations and resultant Soviet action to provide adequate verification.)

This element of a verification procedure must include periodic formal reports to the Congress and to the public that assess the status of continued compliance. An administration's bland assurances of safety, coupled with disturbing leaks of apparent contradictions, makes the best possible formula for confusion and suspicion. (This danger can be met only by forceful periodic descriptions of the verification process, to include questions and their resolutions and the supporting evidence and record of negotiation that resolved them.)

Lastly, discussion of the verification process must include consideration of possible sanctions for discovered violations. We need to consider in advance the degree to which we will respond to minor, to moderate, and to major indications of violation. We need to outline the options: repudiation of the entire agreement, reciprocal reaction to a limited but worrisome doubt that has not been satisfied, and the sympathetic dismissal of a concern that proves to be without real foundation or is the result of some inconsequential misunderstanding or mishandling. Discussion of the sanction process can

aid us all in coming to a more sober assessment of the degree to which an agreement can assist us to move toward a more stable relationship or leave us vulnerable to the terrible choice between weakness and wrath.

Thus, it is clear that the verification issues we face are not solely those that should be addressed by intelligence. They are exquisitely political issues, which must be approached on a large political scale. Intelligence alone cannot bear the burden of verification because, to paraphrase Clemenceau, arms control is too important to be left to intelligence.) The failure of previous arms control arrangements, such as the Washington Naval Treaty, did not stem from failures of intelligence but from failures of will. These were political decisions not to react to plain facts (that were available to an informed leadership and a reluctant public.)

In this broader view of verification our intelligence capabilities offer a new dimension for confidence. They can indeed be relied upon to alert us to any substantial Soviet program of violation of SALT II to secure a strategic advantage over us. (And we can look forward to their continued improvement, not only in the ability to collect information, but in the even more important task of assessing information. The analytical process of integrating the complex mix of political, economic, sociological, and cultural forces at work in the world so as to project probable future developments is the greatest intellectual and intelligence challenge before us. It is important for verifying present hostile activity and forewarning of future promises or perils.)

Within this framework intelligence can indeed assist "adequately" to verify our security under a SALT agreement. But the issues of SALT go further than the adequacy of our intelligence (ability to "verify.") The debate we soon face must include the larger issues; it cannot use the marvels of modern intelligence as a security blanket or the lack of perfection as a scapegoat. Rather, we must confront the hard political decisions about our security, which will be affected not only by Soviet strategic weapons but by political, economic, and sociological threats to our safety and welfare in the years ahead. For we must provide defenses against them too, if we are not to lose the contest in those arenas because of our fixation on this one.